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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/659,187	09/10/2003	Klaus Schroder	156P034	5607	
40621 PASTEL LAW	7590 03/23/2007 7 FIRM		EXAMINER		
CHRISTOPHER R. PASTEL 8 PERRY LANE ITHACA, NY 14850-9267			ROSE, KIESHA L		
			ART UNIT	PAPER NUMBER	
777770			2822		
			MAIL DATE	DELIVERY MODE	
			03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/659,187	SCHRODER, KLAUS	
Examiner	Art Unit	
Kiesha L. Rose	2822	
	I I	

Nie	esna L. Rose	2822	
The MAILING DATE of this communication appears	on the cover sheet with the	orrespondence add	ress
THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS AF	PPLICATION IN CONDITION F	OR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on the this application, applicant must timely file one of the following places the application in condition for allowance; (2) a Notice a Request for Continued Examination (RCE) in compliance w time periods:	replies: (1) an amendment, af of Appeal (with appeal fee) in vith 37 CFR 1.114. The reply m	fidavit, or other eviden compliance with 37 Cl	ce, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date of the			
b) The period for reply expires on: (1) the mailing date of this Advis no event, however, will the statutory period for reply expire later.	than SIX MONTHS from the mailin	g date of the final rejection	on.
Examiner Note: If box 1 is checked, check either box (a) or (b). C TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.0		E FIRST REPLT WAS F	ILED MITHIN
Extensions of time may be obtained under 37 CFR 1.136(a). The date on whave been filed is the date for purposes of determining the period of extension under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the short set forth in (b) above, if checked. Any reply received by the Office later than may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	which the petition under 37 CFR 1. ion and the corresponding amount tened statutory period for reply orig	of the fee. The appropri inally set in the final Office	ate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in complian	ice with 37 CFR 41.37 must be	filed within two month	s of the date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any extensio a Notice of Appeal has been filed, any reply must be filed with <u>AMENDMENTS</u>	on thereof (37 CFR 41.37(e)), to	avoid dismissal of the	e appeal. Since
3. The proposed amendment(s) filed after a final rejection, but			ecause
(a) They raise new issues that would require further consid	leration and/or search (see NO	TE below);	•
 (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better to appeal; and/or 	form for appeal by materially re	ducing or simplifying t	the issues for
appeal; and/or (d) They present additional claims without canceling a correction of the correction of	esponding number of finally rej	ected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121.	See attached Notice of Non Co	mpliant Amondment /	DTOL 224)
5. Applicant's reply has overcome the following rejection(s):		impliant Amendment (F 10L-324).
Newly proposed or amended claim(s) would be allowed non-allowable claim(s).		timely filed amendme	nt canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provide. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		ll be entered and an e	xplanation of
Claim(s) objected to:			
Claim(s) rejected:			
Claim(s) withdrawn from consideration:			
 AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but be because applicant failed to provide a showing of good and su was not earlier presented. See 37 CFR 1.116(e). 	fore or on the date of filing a N Ifficient reasons why the affida	otice of Appeal will <u>no</u> vit or other evidence is	t be entered necessary and
9. The affidavit or other evidence filed after the date of filing a New entered because the affidavit or other evidence failed to overcome showing a good and sufficient reasons why it is necessary an	come <u>all</u> rejections under appe id was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(1	ls to provide a).
10. The affidavit or other evidence is entered. An explanation of	the status of the claims after e	ntry is below or attach	ed.
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but do	es NOT place the application i	n condition for allowar	nce because:
See Continuation Sheet.	O(00/00) DN-(-)		•
12. ☐ Note the attached Information Disclosure Statement(s). (PT(13. ☐ Other:	O/SB/08) Paper No(s)		
70. [_] Guier	H	Rose	
	ila	ch 19,200)7

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the Nishida reference does not disclose the claimed limitations. Applicant states that the Nishida reference is a solar cell and the present invention is a photocell and that a photocell the current flow is parallel to the film surface and the current flow of a solar cell is sandwiched between the layers. The NIshida reference discloses the structural limitations of the claim and therefore the current would flow parallel to the layers. In addition there is nothing in the specification nor the arguments that describe what or how the device is formed differently to make the current flow in a different direction or to flow in a parellel direction.